



*Jacksonville Sheriff's Office*  
**ORDER**

Order Number: <b>311</b>	Title: <b>Photographic Line-Ups and Field Show-Ups</b>	Order Type: <b>A</b>	Version: <b>4</b>
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**I. Purpose of the Policy**

The purpose of this order is to establish consistent procedures for preparation and administration of photographic line-ups and field show-ups. The goal is to minimize the potential for the misidentification of innocent persons, maximize the reliability and confidence associated with the identification of a suspect by a witness or victim to aid in prosecution and ensure that Jacksonville Sheriff's Office (JSO) procedures conform to applicable statutory and Florida Department of Law Enforcement (FDLE) guidelines.

**II. Procedures**

**A. Definitions**

1. "Photo Array" is a group of photographs utilized in a photographic line-up.
2. "Photographic Line-up" is the showing of photographs to an eyewitness for the purpose of identifying or eliminating suspects.
3. "Administrator" is an officer or other personnel authorized by a law enforcement agency who displays a photo array to a potential witness. The term also applies to an officer or other personnel authorized by a law enforcement agency, who conducts a field show-up with a witness.
4. "Independent Administrator" is an officer administering a photo array who has no knowledge who the potential suspect is in the photo array.
5. "Eyewitness" is a person whose identification by sight of another person may be relevant in a criminal proceeding.
6. "Functional Equivalent Procedure" is a procedure utilized when an independent administrator is not utilized, permitting the officer to conduct a photographic line-up in a manner that precludes him from knowing when the photograph of the potential suspect is viewed by the witness.

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7. "Filler photos" are photographs of persons other than the suspect, used to complete a photo array and bring the total number of photos in the array to six photos.
8. "Field Show-up" is a field identification procedure in which a witness is presented with a single potential suspect in person, within a reasonable period after the commission or report of a crime, for the purpose of obtaining identification from a witness. Field show-ups generally should be conducted within three hours of the crime being reported, unless extraordinary circumstances exist and are documented in a General Offense or Supplemental Report.


## **B. Policy**

1. Photographic line-ups:
  - a. The showing of a single photograph for identification purposes is prohibited, unless the subject is known by the witness and the photograph is shown merely to confirm identity.
  - b. Unless there are justifiable circumstances that require the same individual to compile and administer the photographic line-up, an independent administrator shall be used for the display of the photo array to the witness. An example of a justifiable circumstance could be an officer or detective conducting a photographic line-up out of the jurisdiction and an independent administrator from JSO is not available. [CALEA 42.2.9, CFA 15.13]

If an independent administrator cannot be used, the circumstances detailing why shall be documented in a General Offense or Supplemental Report and a Functional Equivalent Procedure shall be used.

When a Functional Equivalent Procedure is used, all photo array procedures will remain the same with the exception of the following:

- (i) Prior to presenting the photographs to the witness, the administrator will remove the photographs from the envelope, randomly shuffle them face down and then return them into the envelope face down in front of the witness.
- (ii) The administrator shall then position himself where he is unable to see the photographs as the witness views them.
- c. Photographic line-ups shall only be conducted when a specific suspect is developed during an investigation or when a suspect has been narrowed to a specific group of individuals. Random suspect photographic line-ups are prohibited. [CFA 15.13]

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- d. Unless extraordinary circumstances exist, standardized photographic line-up forms shall be used during the administration of all photographic line-ups. If standardized forms are not used, the officer shall document why the forms could not be used in a General Offense or Supplemental Report.

For each photo array presented, the witness shall indicate, in writing, his or her ability or inability to select an individual from the presented array. This shall be completed on the Photographic Line-up Witness Instruction Form (P-0711).

- e. When a new suspect is developed, new fillers shall be placed in a new photo array to be shown to a witness who previously viewed a photo array.


2. Photo Array Creation: [CALEA 42.2.9, CFA 15.13]

- a. The potential suspect's photo shall be grouped with five other filler photographs.
- b. Photo line-ups shall use contemporary photographs of individuals, whenever possible, which are reasonably similar in age, height, weight sex, race, facial hair, hair color, hair length, and in accord with the general description of the suspect by the witness.
- c. Do not include more than one photograph of the same individual. If there is more than one potential suspect, include only one potential suspect in each line-up.
- d. Do not mix color with black and white photographs.
- e. Photographs shall be of the same general size and basic composition.
- f. Do not mix booking photographs with photographs from other sources.
- g. Cover or crop any portion of a photograph that provides identifying information on the suspect or other individuals included in the photographic line-up.
- h. All photographs used in a photo array shall be shuffled face down and enclosed in an envelope prior to being presented to a witness by the independent administrator.


3. Multiple Eyewitnesses: [CALEA 42.2.9, CFA 15.13]

- a. Each eyewitness shall be given standardized instructions governing identification procedures independent of other potential witnesses.
- b. Each witness shall view the photographic line-up separately from other witnesses.


If multiple witnesses are to view a photo array at the same general time and place, they shall be kept separate to ensure they are not aware of the responses of other witnesses and do not have an opportunity to discuss the photographic line-up or line-up procedure.

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- c. Each witness shall be directed not to discuss the identification procedures or the results with other witnesses.
4. Instructions: [CALEA 42.2.9, CFA 15.13]
  - a. Standardized instructions promote consistency in the administration of photographic line-ups. Prior to each presentation of a photo array, the officer shall read the Photographic Line-up Witness Instruction Form (P-0711) to the witness. No additional commentary by the administrator shall be made beyond reading of the standardized instructions.
  - b. After reading the instructions, the photographic line-up administrator should, whenever practical, step away from the immediate vicinity of the witness, in order to avoid providing non-verbal and subconscious clues to the witness.
  - c. Should extraordinary circumstances exist which prohibit an administrator from utilizing the Photographic Line-up Witness Instruction Form, the administrator shall document the circumstances in a General Offense or Supplemental Report.
  - d. The administrator shall refrain from providing verbal or non-verbal feedback to the witness relating to the identification process, before or after the photo array is presented.
5. Documentation and Witness Acknowledgement/Response: [CALEA 42.2.9, CFA 15.13]
  - a. Prior to viewing the photo array, witnesses shall indicate, in writing on the Photographic Line-up Witness Instruction Form (P-0711), that they:
    - (1) Understand each of the elements governing the display of the photo array; and
    - (2) Understand they are not obligated to identify anyone and that the investigation will continue regardless of whether or not they make a selection.
  - b. The officer shall note and document in a General Offense or Supplemental Report the words and non-verbal actions of the witness while viewing the photo array for accurate presentation during court proceedings, to include how the witness indicated any positive identification.
  - c. At the completion of the photo array presentation, the witness shall acknowledge on the Photographic Line-up Witness instruction Form (P-0711):
    - (1) The number of photographs contained within the photo array; and
    - (2) Whether the witness was able or unable to identify any photograph as being the person who committed the crime.

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- d. The witness will sign and date the front of the photograph he or she has selected regardless of whether it is an identification or misidentification.
  - e. The administrator shall also sign and date the front of the selected photograph as a witness.
  - f. The identities of all persons present during the administration of a photo line-up shall be documented in a General Offense or Supplemental Report
  - g. The process utilized by the administrator displaying the photo array shall be adequately documented in the General Offense or Supplemental Report, to include how the witness acknowledged the witness instructions, if not in writing.
  - h. The original photo array shall be submitted to the JSO Property and Evidence Facility.
  - i. All original forms used in the photo array process shall be submitted to the JSO Property and Evidence Facility.
  - j. If a Functional Equivalent Procedure is used, the administrator will document this in the General Offense or Supplemental report.
  - k. Video and/or audio recordings of the photographic line-up process will not be conducted.
6. Field Show-Ups:
- a. An individual may be temporarily detained in circumstances where an officer lacks probable cause for an arrest, but possesses a reasonable, articulable suspicion the individual has been involved in the commission of a criminal offense. For example, the individual matches the general description provided by an eyewitness of an individual who is connected to a criminal offense. In these circumstances, a field identification, or show-up, may be conducted rather than simply releasing a potentially culpable suspect. Similarly, innocent persons may be quickly and appropriately cleared of any wrongdoing under the show-up process. [CALEA 42.2.10]
  - b. Due to the suggestive nature of field show-ups, they should be conducted as soon as reasonable after the commission of a crime and under circumstances that require the prompt display of a suspect to a witness.
  - c. Officers shall document the factors and circumstances surrounding the time frame between the crime and when the show-up was conducted. Field show-ups generally should be conducted within three hours of the crime being reported, unless extraordinary circumstances exist. These circumstances shall be documented in a General Offense or Supplemental Report.

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- d. Show-ups should only be conducted when a potential suspect is detained and there is an immediate need to arrest the potential suspect if he or she is positively identified. [CALEA 42.2.10]
- e. Show-ups shall be conducted with supervisory approval and direction.
- f. Show-ups shall be conducted at the location where a suspect was detained. A suspect shall not be removed from the location of the detention, unless he or she consents, merely for the purpose of the show-up, as this may convert the temporary detention into an arrest. [CALEA 42.2.10]
- g. Witnesses should be transported to the scene of the detention; however, this may not be possible in the event the witness is somehow incapacitated. [CALEA 42.2.10]
- h. Prior to conducting a show-up, the investigating officer shall obtain from the witness a full and detailed description of the suspect(s).
- i. Measures shall be taken to reduce potentially damaging and/or prejudicial inferences that may be drawn by the witness. [CALEA 42.2.10]
  - (1) Where practical, show-ups should not be conducted while the suspect is handcuffed, the suspect is within a holding cell, the suspect is sitting in a patrol vehicle, the witness observes the suspect being transported within a patrol vehicle, or while the suspect is dressed in jail or inmate clothing.

Public and officer safety are the first priorities on the decision to remove the handcuffs from any individual being detained for the purpose of a show-up

- (2) Officers shall avoid using words or committing actions which may influence a witness or otherwise indicate the suspicions of law enforcement or other witnesses.
- j. Prior to conducting a show-up, officers shall ensure the eyewitness had an ample opportunity to view the suspect(s) taking into consideration the following:
  - (1) The witness' opportunity to view the suspect at the time of the crime;
  - (2) The witness' degree of attention;
  - (3) The accuracy of the witness' prior description of the suspect; and
  - (4) The length of time between the crime and the show-up.

#### 7. Multiple Suspects:

If there are multiple suspects, each subject shall be separated and involved in a distinct and independent show-up.


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8. Multiple Witnesses: [CALEA 42.2.10]

- a. In the event of multiple eyewitnesses, all witnesses shall be separated to discourage communication between the witnesses.
- b. Each witness shall remain separated during the entire show-up process and will view any detained individual(s) separately.
- c. The witness with the most complete information should initially participate in the show-up.

9. Preparing for the Show-up: [CALEA 42.2.10]

- a. Prior to allowing a witness to view a detained individual, the officer shall read the Field Show-Up Witness Instruction Form (P-0712) relating to the procedures governing field show-ups to each witness. No additional commentary by the officer should be made beyond reading the standardized instructions.
- b. The witness should sign and date the Field Show-up Witness Instruction Form (P-0712) indicating he or she understands the field show-up instructions.
- c. If the witness refuses to sign the form or is unable to sign the form, the officer shall document the circumstances within the General Offense or Supplemental Report, indicating the instructional statement was provided to the witness.
- d. Should extraordinary circumstances exist which prohibit an officer from utilizing the standardized show-up forms, the officer shall document the circumstances in a General Offense or Supplemental Report.
- e. The officer shall note the words and non-verbal actions of the witness upon viewing the subject of the show-up in a General Offense or Supplemental Report for accurate presentation during court proceedings, to include how the witness answered the questions relayed from the Field Show-up Witness Instruction Form (P-0712).
- f. The General Offense or Supplemental Report shall also document the following:
  - (1) Any relevant non-verbal communication or action of the witness such as crying, showing fear, etc.;
  - (2) The identities of all persons present during the show-up; and
  - (3) The date, time, and location where the show-up was conducted.

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- g. Regardless of whether a positive identification was made by the witness, photographs of the detained individual shall be obtained to depict his or her appearance at the time the show-up was conducted.
- h. The officer, or any other person, shall not provide verbal or non-verbal feedback to the witness relating to the identification process, before or after the show-up is conducted.
- i. All original forms utilized in field show-ups and photographs taken of detained individuals will be submitted to the Property and Evidence Facility as evidence.

#### 10. JSO Photo-Imaging Capture System (JPICS) Operation for Suspect Photographs

- a. In the event an officer requests to photograph a suspect who is not under arrest for purposes of compiling a photo array, he shall bring the suspect to Intake/Transfer/Release (ITR) section of the PDF and contact the ITR Sergeant to request the photo be taken.
- b. The suspect shall be searched as outlined in Corrections Operational Order 10.04 (Search Procedures) and escorted to the Identification area by a Corrections Officer, accompanied by the officer. The officer shall remain with the suspect the entire time he or she is in the facility.
- c. If the suspect is a juvenile, the corrections watch commander shall be notified prior to the suspect being brought to the facility. The Intake Sergeant will notify the Booking Sergeant in order to comply with Corrections Operational Order 03.02 (Juvenile Processing).
- d. The photos will be taken with a JPICS camera to provide identical backgrounds and format for proper use in a photo spread. A jail number will not be used.

#### C. Training [CFA 15.13]

- 1. All sworn officers who are responsible for conducting photographic line-ups and field show-ups will receive the proper training on witness identification, as outlined in this order, and in accordance with FDLE and statutory guidelines.
- 2. Mandatory retraining will be administered through the Northeast Florida Criminal Justice and Training Academy every three years, or as deemed necessary by the Director of Investigations and Homeland Security.



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